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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

AHMED HIGAZI, on behalf of himself  
and others similarly situated,

Plaintiff,

v.

CADENCE DESIGN SYSTEMS, INC.,

Defendant.

MICHAEL P. O'CONNOR, TIMOTHY C.  
WHALEY, MARIO ESPINOZA-  
ALVAREZ, TSAICHAUN KAO, TRI H.  
DAO, PETER T. EDWARDS, and RON  
SMITH

Plaintiffs,

v.

CADENCE DESIGN SYSTEMS, INC.,

Defendant.

No. 07-2813-JW

**JOINT ADMINISTRATIVE MOTION TO  
CONSIDER WHETHER CASES SHOULD  
BE RELATED PURSUANT TO LOCAL  
RULE 3-12**

The Honorable James Ware

Case No. 08-3513 HRL

**TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD:****PLEASE TAKE NOTICE**, pursuant to Local Rules 7-11 and 3-12, Plaintiffs

Michael P. O'Connor, Timothy C. Whaley, Mario Espinoza-Alvarez, Tsaichuan Kao, Tri H. Dao, Peter T. Edwards, and Ron Smith, who are plaintiffs in *Michael P. O'Connor, Timothy C. Whaley, Mario Espinoza-Alvarez, Tsaichuan Kao, Tri H. Dao, Peter T. Edwards, and Ron Smith v. Cadence Design Systems, Inc.*, Case No. 08-3513 HRL (N.D. Cal.) ("*O'Connor*") ("Plaintiffs") and Cadence Design Systems, Inc. ("Cadence") (collectively, "the parties") respectfully request that the case (a) be deemed related to *Higazi v. Cadence Design Systems, Inc.*, Case No. 07-2813-JW (N.D. Cal.) ("*Higazi*"), and (b) be reassigned to Judge Ware, who presides over *Higazi*, which is the earlier-filed case. *O'Connor* and *Higazi* are related because "(1) [t]he actions concern substantially the same parties, property, transaction or event; and (2) [i]t appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges." N.D. Cal. Civil L. R. 3-12(a). This Administrative Motion is supported by the Declaration of Jahan C. Sagafi and a Stipulation and Proposed Order, filed herewith.

Chambers copies of this Administrative Motion and supporting documents are being provided to the Courts in both *O'Connor* and *Higazi*.

**I. ARGUMENT**

By way of background, the parties' counsel recently reached a class-action settlement of approximately \$7.7 million on behalf of 207 Cadence employees in *Higazi*. Judge Ware granted final approval of that settlement on July 7, 2008. Separately, another 7 Cadence employees approached Plaintiffs' counsel in *Higazi* seeking representation on closely similar claims, and thereafter filed the *O'Connor* action. The parties have reached a settlement of the claims asserted in *O'Connor* that is based on and substantially similar to the *Higazi* settlement. However, the *O'Connor* case is an individual case, not a class action.

The parties bring this motion seeking reassignment of *O'Connor* to Judge Ware (who has presided over *Higazi*) to facilitate the prompt finalization of the *O'Connor* settlement.

1           **A. The Parties Agree That Relation Of *O'Connor* To *Higazi* Is Appropriate And**  
 2           **Will Promote Efficiency For The Court And Parties.**

3           Most importantly, the parties agree that relation of *O'Connor* to *Higazi* is  
 4 appropriate and will promote efficiency for the court and parties. The parties request relation to  
 5 facilitate the presentation to the Court of the settlement of *O'Connor*. The parties are currently  
 6 finalizing the language of a settlement agreement resolving the claims of all seven plaintiffs in  
 7 *O'Connor*, which they hope to present to the Court this Friday, July 25, 2008. The terms of the  
 8 settlement provide for the settlement to be effective only if the Court enters judgment approving  
 9 the settlement by Friday, August 15, 2008. Thus, if the settlement is not reached by August 15,  
 10 2008, the *O'Connor* plaintiffs receive no relief, and Cadence receives no peace as to these claims.

11           Therefore, the parties endeavor to present the settlement to Judge Ware as soon as  
 12 possible. Judge Ware is already familiar with the related *Higazi* litigation.

13           **B. *Higazi* And *O'Connor* Involve Substantially The Same Transactions, Events,**  
 14 **And Parties.**

15           First, both *Higazi* and *O'Connor* involve substantially the same transactions or  
 16 events. Specifically, both cases involve allegations by workers employed by Cadence—whose  
 17 duties were to support, install, and maintain software and/or hardware—that Cadence  
 18 misclassified them as exempt from the overtime pay requirements of the Fair Labor Standards  
 19 Act, and that they worked overtime hours for which they were not compensated. Cadence's  
 20 policies and procedures regarding exemption classification decisions, the nature of the work  
 21 performed by IT employees and those performing IT work outside the IT department, and the  
 22 overtime hours worked by such employees are among the issues central to the subject matter of  
 23 both *Higazi* and *O'Connor*.

24           Second, both cases involve identical defendants (Cadence, and no other  
 25 defendants).

1           **C.     Referral of *O'Connor* To Judge Ware Will Avoid Unduly Burdensome**  
2           **Duplication Of Labor And Expense As Well As Conflicting Results.**

3           The parties in *O'Connor* have reached a tentative settlement of the claims at issue,  
4 and seek to present the settlement to Judge Ware for his approval pursuant to the Fair Labor  
5 Standards Act. Earlier this month, Judge Ware reviewed and granted final approval of a class  
6 action settlement in which the plaintiff class members were technology support worker colleagues  
7 of the seven plaintiffs in *O'Connor*. Judge Ware oversaw the *Higazi* case for just over a year. If  
8 not assigned to Judge Ware, a second judge will have to review many of the same facts, issues,  
9 applicable laws and legal authorities in dispute, which Judge Ware previously considered in the  
10 *Higazi* action. Thus, it would be “an unduly burdensome duplication of labor and expense.” The  
11 parties believe that Judge Ware’s familiarity with the issues in *Higazi* make him best situated to  
12 grant the parties’ request for approval of the individual settlements in *O'Connor*. Thus,  
13 coordination will promote efficiency.

14       **II.     CONCLUSION**

15           In sum, the parties and the Court would benefit from assignment of *O'Connor* to  
16 Judge Ware. This will allow the parties to present the settlement expeditiously, so that the  
17 individual *O'Connor* plaintiffs may benefit from a settlement similar to and based on the *Higazi*  
18 settlement that their colleagues are benefiting from.

19           For the reasons set forth above, the parties respectfully request that *O'Connor* be  
20 assigned to Judge Ware for all purposes.

Respectfully submitted,

Dated: July 23, 2008

By: /s/ Jahan C. Sagafi  
Jahan C. Sagafi

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